

Message Text

CONFIDENTIAL

PAGE 01 STATE 167062

21

ORIGIN EUR-12

INFO OCT-01 ISO-00 L-03 PM-03 NSC-05 SP-02 SS-15 CIAE-00

INR-07 NSAE-00 /048 R

DRAFTED BY EUR/SOV:JMMONTGOMERY

APPROVED BY EUR: RDVINE

L/EUR - DSMALL

EUR/SOV - MKOVNER

----- 077864

R 161535Z JUL 75

FM SECSTATE WASHDC

TO AMEMBASSY MOSCOW

INFO AMEMBASSY WARSAW

C O N F I D E N T I A L STATE 167062

E.O. 11652: GDS

TAGS:PFOR, US, UR, PL

SUBJECT:REQUEST FOR DECLASSIFICATION OF AMEMBASSY MOSCOW

TELEGRAM 12887 OF 20 DECEMBER 1972

1. SEVERAL CREW MEMBERS AND FAMILIES OF CREW MEMBERS OF POLISH MERCHANT SHIP M/S JOSEF CONRAD ARE SUING US GOVERNMENT FOR DAMAGES THEY CLAIM THEY SUFFERED DURING USAF BOMBING OF HAIPHONG HARBOR ON DECEMBER 20, 1972. PLAINTIFFS HAVE SOUGHT A NUMBER OF CLASSIFIED US DOCUMENTS IN PURSUIT OF THEIR CASE. ONE DOCUMENT IS SUBJECT TE-EGRAM WHICH TRANSMITS TEXT OF SOVIET PROTEST OF USAF DAMAGE TO SOVIET MERCHANT SHIP MICHURIN ON DECBMBER 18, 1972. TELEGRAM ALSO TRANSMITS KORNIEYENKO'S REMARKS THAT POLISH SHIP CLOSE BY MICHURIN ATTACKED ON DECEMBER 19.

2. GOVERNMENT SIDE CONSIDERS DOCUMENT SUPPORT OF DEFENSE AGAINST PLAINTIFFS' ACCUSATION THAT ATTACK ON JOSEF CONRAD WAS PART OF DELIBERATE POLICY. GOVERNMENT SIDE OFFERED TO SHOW THIS AND OTHER DOCUMENTS TO JUDGE IN CAMERA, BUT JUDGE DECIDED PLAINTIFFS SHOULD SEEK ALL DOCUMENTS FROM GOVERNMENT SIDE. IN DECIDING THIS JUDGE GAVE INVENTORY OF
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 167062

DOCUMENTS TO PLAINTIFFS WHICH INCLUDED DESCRIPTION OF

SUBJECT TELEGRAM AS REPORTING SOVIET'S PROTEST ABOUT
DAMAGE TO MICHURIN. THIS INVENTORY IS NOW PUBLICLY AVAIL-
ABLE.

3. WE HAVE NO EVIDENCE THAT SOVIETS EVER MADE PUBLIC
TEXT OR FACT OF THEIR PROTEST, PRESUMABLY TO MINIMIZE
STRAIN ON US-SOVIET RELATIONS. WE DO NOT BELIEVE WE CAN
MAKE CASE THAT RELEASE OF DOCUMENT IN THESE CIRCUMSTANCES
WOULD DAMAGE US-SOVIET RELATIONS. WE DO BELIEVE, HOWEVER,
WE SHOULD INFORM SOVIETS BEFORE DOCUMENT RELEASED.

4. REQUEST EMBASSY APPROACH MFA ALONG FOLLOWING LINES"

A) CREW MEMBERS OF POLISH MERCHANT SHIP IN HAIPHONG
HARBOR IN DECEMBER 1972 HAVE BROUGHT SUIT AGAINST US
GOVERNMENT CLAIMING COMPENSATION FOR DAMAGES THEY SUFFER-
ED DURING ALLEGED AMERICAN BOMBING OF THEIR SHIP, M/S
JOSEF CONRAD;

B) PLAINTIFFS ARE SEEKING A NUMBER OF US DOCUMENTS
FOR USE IN TRIAL;

C) ONE DOCUMENT IS EMBASSY TELEGRAM TRANSMITTING
TEXT OF SOVIET NOTE NO. 84 OF DECEMBER 20, PROTESTING
ALLEGED BOMBING BY US AIRCRAFT OF A SOVIET VESSEL IN THE
PORT OF HAIPHONG HARBOR ON DECEMBER 18. TELEGRAM ALSO
RELATES REMARKS BY SOVIET OFFICIAL THAT POLISH SHIP SUNK
ON DECEMBER 19;

D) WE ARE GOING TO MAKE THE TEXT OF THIS TELEGRAM
AVAILABLE IN RESPONSE TO PLAINTIFFS' REQUEST OF WHICH WE
ASSUME POLISH AUTHORITIES ARE AWARE;

E) WE WISH TO INFORM THE SOVIETS OF OUR DECISION AND
GIVE THEM TEXT OF THE DOCUMENT IN ADVANCE OF RELEASE TO
PLAINTIFFS.

5. PLEASE INFO M US WHEN SOVIETS NOTIFIED. INGERSOLL

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: COMPENSATION, BOMBING, INFORMATION CONTROL, COURT PROCEEDINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 16 JUL 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: KelleyW0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE167062
Document Source: CORE
Document Unique ID: 00
Drafter: JMMONTGOMERY
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750246-0482
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750750/aaaabstw.tel
Line Count: 98
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: KelleyW0
Review Comment: n/a
Review Content Flags:
Review Date: 10 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <10 JUN 2003 by izenbei0>; APPROVED <27 OCT 2003 by KelleyW0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: EQUEST FOR DECLASSIFICATION OF AMEMBASSY MOSCOW TELEGRAM 12887 OF 20 DECEMBER 1972
TAGS: PFOR, US, UR, PL
To: MOSCOW
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006